

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

E.F. and D.R. on behalf of their daughter, N.R.,

Plaintiff(s),

11- CV- 5243(GBD)(FM)

- against -

NOTICE OF MOTION

New York City Department of Education,

Defendant.

PLEASE TAKE NOTICE, that upon the annexed affidavit of Gary S. Mayerson, Esq., sworn to January 25, 2012, together with the exhibits annexed thereto, plaintiffs shall move this Court before the Honorable Frank Maas, at the Courthouse, 500 Pearl Street, New York, New York 10007, at a date and time to be fixed by the Court:

(a) for a protective order pursuant to Federal Rule of Civil Procedure 26(c), vacating in their entirety as irrelevant, unduly burdensome and oppressive, defendant's ongoing discovery demands directed to plaintiffs' counsel, and its separate flurry of subpoenas and discovery demands directed to non-parties Neal Rosenberg, Esq., Barbara Ebenstein, Esq., Andrew Cuddy, Esq., and Jesse Cutler, Esq.; or

(b) in the alternative, and upon the same grounds, vacating defendant's subpoenas and non-party deposition and other discovery notices directed to Neal Rosenberg, Esq., Barbara Ebenstein, Esq., Andrew Cuddy, Esq., and Jesse Cutler, Esq. and *restricting* defendant's remaining discovery demands to plaintiffs' billing records, engagement agreement, and billing and payment records pertaining to N.R.'s 2010-2011 due process case and its aftermath, including this action;

- (c) for the attorneys' fees costs and disbursements of this motion¹; and
- (d) awarding plaintiffs such other, different and further relief as this Court deems just and proper.

Dated: January 25, 2012
New York, New York



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¹ As *incidental* to plaintiffs' existing "prevailing party" status, not as a sanction.